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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,107	10/24/2003	Jeffrey D. Sutherland		4835

7590 03/28/2008
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EXAMINER

KING, ANITA M

ART UNIT	PAPER NUMBER
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3632

MAIL DATE	DELIVERY MODE
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03/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/695,107

Applicant(s)

SUTHERLAND ET AL.

Examiner

Anita M. King

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This is the seventh office action for application number 10/695,107, Carrier for Various-Sized Articles Operatively Supported by a Vehicle, filed on October 24, 2003.

Reopening of Prosecution

In view of the appeal brief filed on December 15, 2006, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Technology Center Director has approved of reopening prosecution by signing below: *See Page 5*

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 3, 4, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,881,477 to Watson. Watson discloses an apparatus (10) capable of supporting one or more articles of various sizes and shapes on a vehicle surface during transport with a mechanized vehicle, the apparatus comprising: one or more straps (28, 47, 50); a planar platform (12) having a body and cooperating with the one or more straps for holding, the platform further comprising: a planar top surface (Fig. 1) for engaging the one or more articles; a planar bottom surface parallel to the top surface for engaging the surface; a plurality of bearing members (surfaces between the slots, 18) arranged in succession to enable adjustment of one or more straps; a plurality of slots (18) separating the bearing members; and at least one recess (section between ribs 22), aligned with the plurality of slots and the bearing members, recessing from the bottom surface into the body of the platform, for accepting the one or more straps through at least two of the slots for engaging the straps against the bearing members and for preventing the straps from engaging the surface; wherein the one or more straps are removable from the platform; wherein the one or more straps vary in width and length; and wherein one or more handles (20) are formed into the body of the platform.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watson. Watson discloses the claimed invention except for the limitations of the one or more straps being permanently fastened to the platform and wherein one or more

handles are attached to the body of the platform. It would have obvious to one having ordinary skill in the art at the time the invention was made to have modified the straps in Watson to have been permanently attached to the platform and to have attached the one or more handles to the platform, since such modifications would have merely involved making a separable item integral and an integral item separable which is generally well known in the art and would not have produced any unpredictable results.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watson in view of U.S. Patent 6,178,666 to Kiniry et al., hereinafter, Kiniry. Watson discloses the claimed invention except for the limitations of the top surface and the bottom surface of the platform having a slip resistant material. Kiniry teaches an apparatus (10) capable of supporting one or more articles of various sizes and shapes on a vehicle surface, the apparatus having one or more straps, a planar platform having a body and cooperating with the straps, a planar top surface, a planar bottom surface, and wherein the planar top and bottom surfaces include a slip resistance material, i.e., the material of the apparatus is a thermosetting, polyurethane elastomer (Col. 2, lines 33ff), which is generally known to be slip resistant. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the material of the apparatus in Watson to have included the material as taught by Kiniry for the purpose of providing a means for preventing unwanted slipping of the article supported on the platform and between the surface and the apparatus.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Great Britain Publication 2,131,475 to Crabbe

Crabbe discloses a board for placing on a surface to support a person, wherein the board includes a layer of polyurethane, rubber or other elastomer on upper and bottom surfaces to prevent slipping and marring.

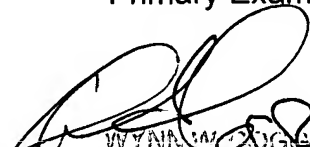
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anita M. King/
Primary Examiner, Art Unit 3632

March 8, 2008


WYNNE W. JENKINS
TECHNOLOGY CENTER DIRECTOR